

10.9. Disclosure of Pecuniary Interests by Councillors and Designated Persons

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ATTACHMENTS: Nil

PURPOSE:

To report on compliance with the requirement under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2005* for Councillors and persons holding designated positions to complete and lodge a Disclosure of Pecuniary Interests Return.

EXECUTIVE SUMMARY:

Section 4.21 of the Model Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*) requires Councillors and persons holding designated positions as at 30 June to complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e. 30 September).

Section 4.25 of the Model Code of Conduct requires that Returns that are required to be lodged under Section 4.21 must be tabled at the first meeting of the council after 30 September 2021.

All 2021/22 Returns have been duly completed and lodged within the prescribed period by Councillors and designated officers. Although there was a Council Meeting in October the agenda publication date was prior to the 30 September 2022 deadline.

Pecuniary Interests Returns are available for inspection on Council's website.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the recommendation of this report.

RECOMMENDATION:

1. THAT the report be received and Council note the tabling of Returns as required under Clause 4.25 of the Model Code of Conduct.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.1 Strong civic leadership and customer focused services

BACKGROUND

The Disclosure of Pecuniary Interests by Designated Persons was previously reported to Council at its meeting of 25 October 2021.

After the December Council elections, newly elected Councillors submitted a Primary Declaration of Interest Return, as required under the Model Code of Conduct for Local Councils in NSW.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Section 4.21 of the Model Code of Conduct requires Councillors or persons holding designated positions as at 30 June to complete and lodge a Disclosure of Pecuniary Interests Return within three months after that date (i.e. 30 September).

Pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

“Designated persons” are defined in the Model Code of Conduct as:

4.8 *Designated persons include:*

- (a) *the general manager*
- (b) *other senior staff of the council for the purposes of section 332 of the LGA*
- (c) *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest*
- (d) *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory*

functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

In September 2019, the Information Commissioner released the revised *Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW)*.

The Office of Local Government subsequently issued Circular 19-21 "Release of IPC Guideline 1 Returns of Interests" reinforcing obligations of all Councils with respect to the publication of the disclosures of interest Returns from councillors and designated persons.

At its meeting on 18 May 2020, Council resolved in part:

- 3. THAT Council note the requirements of the IPC Guideline No. 1 and OLG Circular 19-21, issued in respect of returns of interests by Councillors and designated staff. (GF02)*
- 4. THAT the Returns of Interest by Councillors be published on Council's website. (GF02)*

On 29 May 2020, the 2018/19 Declarations of Interest Return for each Councillor, redacted to remove signatures, were available on their individual biography page on Council's website.

On 6 July 2020, the 2018/19 Declarations of Interest Returns for designated staff, redacted to remove personal information (residential address and signature), were available on Council's website.

At its meeting on 24 May 2021, Council resolved:

- 1. THAT an amendment be made to the Code of Conduct - Councillors and Staff to insert a new clause that states that Councillors and Staff will have apartment and house number of their residential address and signatures redacted automatically in the publishing of returns. Any additional redaction requests should be made to the General Manager with a statutory declaration detailing the reasons for the request. The General Manager will determine if any additional redactions can then be made.*

All 2021/22 Returns have been duly completed and lodged within the prescribed period by Councillors and designated officers and will be uploaded to the website following this meeting, in accordance with the resolution of Council on 24 May 2021.